

ORDINANCE NO. O-2018-26

**ORDINANCE REPEALING AND RESCINDING ORDINANCE NO. O-2018-09 AND
REINSTATING, IN LIEU THEREOF, ORDINANCE NO. F-1368
AND RESOLUTION R-97-12**

WHEREAS, on February 20, 2018, the Wheaton City Council adopted Ordinance No. O-2018-09, amending City Ordinance No. F-1368, to allow a four-lot subdivision in an existing R-3 single-family planned unit development for the Woodlands of Wheaton Subdivision; and

WHEREAS, Ordinance No. O-2018-09 conditioned approval of the four-lot subdivision on revision to the final engineering plans for the Shiloh Manor Resubdivision of Woodlands of Wheaton to require: a cul-de-sac to be constructed as a publicly dedicated street in full compliance with all City standards; prohibition of landscaped or decorative island within the proposed cul-de-sac bulb; and prohibition of a private gate to be constructed at the cul-de-sac entrance on Orchard Road; and

WHEREAS, the owner of the property has elected not to proceed with a revised final engineering plan as required by Ordinance No. O-2018-09 and has requested:

- i. That Ordinance No. O-2018-09 be repealed and rescinded; and
- ii. That Ordinance No. F-1638 previously approving a two-lot subdivision, and Resolution No. R-97-12 approving a final plat of two-lot subdivision be reinstated; and

WHEREAS, the Council finds that there is no prejudice to any adjacent property owner in that:

- i. The R-3 zoning of the Property remains the same; and
- ii. No adjacent owner appeared to object to the subdivision approved by Ordinance No. O-2018-09; and
- iii. Reduction in density from four lots to two lots on the property is a benefit to adjacent property owners.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council, pursuant to the City of Wheaton's Home Rule Authority, as follows:

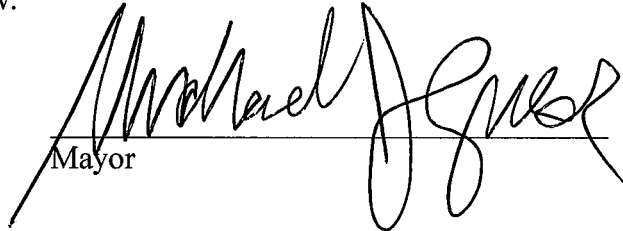
SECTION 1.

- a. That Ordinance No. O-2018-09 "An Ordinance Granting an Amendment to the Existing R-3 Single-Family Planned Unit Development for the Woodlands of Wheaton on Property Commonly Known as the Northwest Corner of Orchard and Butterfield Roads – Davis" is hereby repealed and rescinded in its entirety.
- b. That Ordinance No. F-1638 adopted May 7, 2012, "An Ordinance Authorizing the Signing of a First Amendment to an Annexation Agreement – Northwest Corner of

Orchard and Butterfield Roads – Solarn Ventures, LLC (Woodlands of Wheaton),” and Resolution R-97-12 approving a final two-lot Plat of Subdivision, are hereby reinstated.


SECTION 2: Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

SECTION 3: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes: Councilwoman Fitch
Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier

Nays: None

Absent:None

Motion Carried Unanimously

Passed: May 7, 2018
Published: May 8, 2018

EXHIBIT "A"

LOTS 1 AND 2 IN STANYA'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 1, 2, AND 3 OF THE WOODLANDS OF WHEATON SUBDIVISION RECORDED FEBRUARY 27, 2007 AS DOCUMENT R2007-035573 BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED FEBRUARY 22, 2013 AS DOCUMENT NUMBER R2013-028735 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-29-306-018; -019

The subject property is commonly known as the Northwest Corner of Orchard and Butterfield Roads, Wheaton, IL 60189.

